

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LARRY ALAN VASQUEZ,

Defendant.

CR 04-03-GF-BMM

ORDER

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston conducted an evidentiary hearing on October 28, 2015. Judge Johnston found that Defendant violated Standard Condition 7 of his supervised release by using methamphetamine. Judge Johnston entered his findings and recommendations on November 2, 2015. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of three months, with 18 months of supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir.

1981).

This Court agrees with Judge Johnston's findings. Defendant could be incarcerated for up to 60 months, followed by 60 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of three months in custody, followed by 18 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 51) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 24th day of November, 2015.



Brian Morris
United States District Court Judge